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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF PENNSYLVANIA

In re: : **Chapter 13**
DALE MITCHELL :
SHERRY MITCHELL :
Debtors : **Case No. 16-15902 JKF**

ORDER

AND NOW, upon consideration of the Debtors' Motion for Determination of Secured Status of Debtors' Fourth Mortgage held by Bank of America under 11 U.S.C. Section 506(a) ("the Motion"), and after notice and hearing, and there being no opposition to the Motion,

It is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. The fourth mortgage held by Bank of America, its successors and assigns, is hereby declared to be wholly unsecured under section 506 of the Bankruptcy Code and is therefore subject to modification under the Debtors' Chapter 13 Plan.
3. ~~Any Proof of Claim filed by Bank of America, NA or its designated agent, with regard to the Fourth Mortgage on 456 Clearview Avenue, Pottsville, PA, shall be treated as a wholly unsecured claim regardless of the characterization stated by the creditor in any proof of claim.~~

Date: December 15, 2016



Honorable Jean K. FitzSimon
U.S. BANKRUPTCY JUDGE